Mysore.

GOVERNMENT OF MADRAS.

Sectt. II-28—0,006—12-6-53.

Public (Poll-A) 1953.) Department.

~~Endorsement~~
~~D.O.~~
Memorandum
~~Lodged~~

No. 175 Pub (Poll-A)

Dated 25—9—1953. 195

FURTHER PAPERS.

Department.	Number.	Series.	Date.

FOR MYSORE STATE

No.175.
GOVERNMENT OF MADRAS.
Public (Political-A) Department.

Dated, Fort St. George, the 25th September 1953.

OFFICE MEMORANDUM.

Sub: STATES MERGED - Staff absorbed in Madras Services, Fixation of pay - Cases of anomaly arising from a strict application of para 5(e) of G.O.Ms.No. 855, Public (Political), dated 26.3.1949 - Relief.

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In para 5(e) of G.O.Ms.No.855, Public (Political), dated 26.3.1949, it is laid down that an officer not eligible for any advance increments under para 5(c) of that G.O. shall be allowed to count service in the scale of pay in force in the State which has not already been counted for increments, for increments in the revised time scales upto a maximum of one year. As a result of the working of this rule, it may happen that an officer with two to three years service in his grade may on absorption into the corresponding Madras Service draw only the minimum of the scale of the post to which he is appointed, while his junior with one to two years service may draw an advance increment and thus get more pay than his senior. To rectify such anomaly the Head of the Department concerned may in consultation with the Accountant General refix the pay of any officer with two to three years service in his grade at the stage next above the minimum with effect from the date of absorption.

2. In cases where an officer happens to draw more pay than his senior in service on account of the fixation of pay under para 5(e) of the G.O. referred to above, the senior officer may be allowed to draw the same pay as the junior officer with effect from the date on which his junior commences to draw more pay.

3. The rank and seniority in the above cases should be determined with reference to the date of first appointment in the particular office or department of the merged State concerned.

4. If in any such case a difference arises between the Head of the Department and the Accountant General, the case should be reported to the Government for orders.

R. BALASUBRAMANIAN,
Under Secretary to Government.

To

The Departments of the Secretariat.
The Board of Revenue.
All Heads of Departments including
Collectors, District Judges and District Magistrates.
The Collectors of Kurnool, Tiruchirapalli and Bellary.
The Accountant General, Madras.(With reference to his Memo.No.T9 B III 109, dated 15.5.1953.)

/P.T.O./

Copy to Andhra and Mysore State Governments.
(With enclosures).

Forwarded / By Order.

vkp.25/9.

Superintendent.

26.9.53

(C.No.1945/53.) PUBLIC (POLITICAL-A) DEPARTMENT.

Sub: STATES, MERGED - Staff absorbed in Madras Services - Fixation of pay - Para. 5(e) of G.O.Ms.No.855, Public (Political), dated 26.3.1949 - Clarification of.

Ref: From the Accountant General, Madras, letter No.T9B III 109, dated 15.5.1953.

While fixing the pay in the Madras Scales of the staff of the merged states absorbed in the Madras Services, advance increments have been sanctioned to them with reference to the length of their service in the particular post in the State Service. The scale of advance increments as laid down in Para. 5(c) of G.O.Ms.No.855, Public (Political), dated 26th March 1949, benefits only those who had put in more than 4 years of service in the particular posts in the State Services. To the benefit of those who had lesser service para. 5(e) has been introduced on the same lines as those adopted by the Madras Government, when the pay scales were revised in G.O.No.78, Finance, dated 6.2.1947.

According to the said para. 5(e) an officer not eligible for any advance increments under para. 5(c) is allowed to count service in the scale of pay in force in the state, which has not already been counted for increments, for increments in the revised time scales upto a maximum of one year. The words "which has not been already been counted for increments" obviously refer to only 'for the pay in the State Service'. In case of those who were having biennial increments all those who had a year and more of State Service which had not already counted for increments in the State scale of pay are eligible to one advance increment, while those who had less than a year of such service are not eligible for any advance increments but only eligible to count such service for the next increments in the new scale. Certain anomalies arise out of this in respect of those who had less than 4 years of service in the State posts and whose pay is fixed at the minimum in the new scales as explained below:

'A'

'A' having started service on Rs.30/- in the scale of 30-3/2-45-1-55 from 1.7.1946 would have drawn one increment by 1.7.1948 and when his pay is refixed in the new scale of 45-3-60-2-90 he will get only Rs.45/- from 1.1.1949 (the crucial date for Pudukottai and Banganapalle States) and also have the benefit of counting service from 1.7.1948 for increments in the new scale so as to get the next increment raising his pay to Rs.48 with effect from 1.7.1949.

'B' having started service on Rs.30/- in the same scale from 1.7.1947 (i.e. one year later than 'A') will have a service of 1½ years by 1.1.1949 not already counted for increments in the State scales. Therefore he will be eligible for an advance increment and start on Rs.48/- from 1.1.1949 i.e., 6 months in advance of his senior 'A'.

To rectify such anomalies of juniors drawing increments in advance of seniors the instructions in Memo.No.26535-Sal-1, Finance, dated 8.5.1947 were issued. The Accountant General now enquires whether this Memo. is also applicable to the cases of fixation of pay in respect of the employees of the merged states absorbed in the Madras Services. If such anomalies as explained are to occur, it is necessary that they are rectified by applying the instructions issued in the Memo. at p.3 of (R).

/P.T.O./

The instructions in the Government Memo. at p.3 of (R) rectify the anomalies only in respect of employees who were drawing biennial increments. But in the Pudukottai State almost all the employees were drawing only annual increments. In their cases the anomaly will be as follows:

'A' having started service on Rs.35/- in the scale of 35-1-40-1½-55, from 1.10.1947 would have drawn one increment by 1.10.1948 raising his pay to Rs.36/-. As he would have only one month of uncounted service, his pay would be fixed at Rs.45/- from 1.1.1949 in the new scale of 45-3-60-2-90 and draw the next increment raising his pay to Rs.48/- only from 1.12.1949.

'B' starting service in the same post ~~x~~ say on 1.2.1948 i.e., two months later than 'A' would also have his pay fixed at Rs.45/- from 1.1.1949 and have the benefit of counting his entire 11 months of his previous service for increments in the new scale. He will thus draw the next increment raising his pay to Rs.48/- by 1.2.1949 i.e., 10 months ahead of 'A' although junior to him by 2 months. B

The rectification of such an anomaly as the one explained in this para. is not covered by the Memo. at p.3 of (R).

All these anomalies have arisen on account of the existence of the words "which has not already been counted for increments" in para. 5(e) of G.O.Ms.No.855, Public (Political), dated 26.3.1949. The best course of rectifying all the anomalies may be to delete these particular words from the G.O. These words were specially suggested by Finance for inclusion in the draft of the G.O. at (K). As the scales of pay in the States were much lower than those obtaining in the Madras State for the corresponding posts, none of the employees of the merged States are likely to get any undue advantage by the deletion of the said words. Finance may be requested to advise. 'Z'

R.B.
1.7.

Finance.

Pub.(Poll-A).
1945/53-1
1.7.'53.

Finance (E.III) Department.

Please see the reference from the A.G., at p.1 c.f. and the note of Public (Poll) on pp.1-3 above.

2. Para 5(e) of G.O.Ms.No.855, Public (Poll), dated 26.3.1949 reads as follows:

> 'An officer not eligible for any advance increment under sub-paragraph (c) shall be allowed to count service in the scale of pay in force in the State which has not already been counted for increments for increments in the revised time-scales upto a maximum of one year'.

The above rule follows rule 9(2)(e) of G.O.Ms.78, Finance, dated 6.2.1947. In practical working, the above rule both in G.O.78, Finance, dated 6.2.1947 and in G.O.855, Public (Poll.) dated 26.3.1949 gave rise to an anomaly of a junior drawing more pay than a senior as illustrated at 'A' on p.2 above and 'b' on p.3 above. In the former case, instructions have been issued in Finance Memo.No.26535 Sal.1, dated 8.5.1947, that the concerned head of the department may, in consultation with the Accountant-General, refix the pay of an officer with 2-3 years' service in his grade at the stage next above the minimum with effect from 1.1.1947. The point raised by the A.G. at p.1 c.f. is whether the instructions in the above Memo. cannot be made applicable in similar cases arising out of the operation of para 5(e) of G.O.855, Public, dated 26.3.1949. Public consider that the best course is to delete the words 'which has not already been counted for increments' from the rule at X above.

The question at issue is whether it is necessary to adopt the course suggested by Public.

The anomaly in the type of cases illustrated at 'A' on p.2 above is mainly due to the working of rule 5(e) of G.O.855, Public (Political), dated 26.3.1949 and the pay of the ex-State employees in their old State Scales being lower than the minimum of the revised scales introduced in G.O.78, Finance, dated 6.2.1947. To rectify such anomalies resulting in the fixation of pay under G.O. 78, Finance, dated 6.2.1947, instructions were issued in Finance Memo.No.26535 Sal-1, dated 8.5.1947, empowering the heads of departments to refix the pay in such cases "with 2-3 years service in his grade at the stage next above the minimum with effect from 1.1.1947. Anomalies of juniors getting more pay in the revised scales than seniors mxm mainly arose in cases of persons with less than two years service as compared with seniors with 2-3 years service and this was due to the biennial scales of pay in force before 1.1.1947 and the operation of Rule 9 as indicated below:

	Pay in the pre 1947 scale.	Pay admissible in revised scale.	
A. (A lower division clerk with 4½ years service.)	Rs.36 (next increment due on 1.7.47 raising pay to Rs.39)	Rs.45 (next increment due on 1.7.47 raising pay to Rs. 48.	Rule 9(e)
B. (With 2½ years service.)	Rs.33 (next increment due on 1.7.47 raising pay to Rs.36.)	Rs.45 (next increment due on 1.7.47 raising to Rs.48.)	Rule 9(e)
C. (1 year and 4 months.)	Rs.30 (next increment due on 1.9.47 raising pay to Rs.33/-)	Rs.48 from 1.1.47.	Rule 9(e) & F.R. 26(c)
D. (With 8 months service)	Rs.30 (next increment due on 1.5.48 raising pay to Rs.33.)	Rs.45 (next increment due on 1.5.47 raising pay to Rs. 48.)	Rule 9(e)

'X' The instructions in Govt. Memo. at 'R' were intended to remedy the anomalies in the above type of cases. The expression 'which has not already been counted for increments" occurring in Rule 5(e) of G.O.Ms.No.855, Public (Poll.), dated 26.3.1949 is based on the principle of rule 9(e) read with Finance Memo.25188 Sal/47, dated 26.4.1947. The latter rule was evolved after a detailed consideration of all factors and is designed to prevent accrual of fortuitous benefit (by counting the same service twice for increment) in connection with fixation of pay in the new scales introduced in 1947 and consequently there seems to be no justification to delete the words as now proposed by Public.

The scales of pay in the ex-Pudukottah State carried annual increments. The pay scales themselves were very much lower than those of corresponding posts under this Government. The anomaly of the type referred to by Public will ordinarily occur in cases of persons with 1 to 4 years of service, getting less pay on refixation than juniors with service ranging upto 1 year as illustrated at A. overleaf. The number of such cases will be few in practice and in similar cases under this Government instructions have been issued to fix the pay of the senior adversely affected at the next higher stage from the earliest date from which his junior happens to draw pay at that rate owing to a strict application of the rules issued in G.O.78, Finance, dated 6.2.1947. cf. Finance Memo.81162/EIII-1, dated 25.9.1948

/P.T.O./

It seems sufficient to adopt a similar procedure to rectify anomalies arising on account of fixation of pay with reference to G.O.855, Public (Political), dated 26.3.1949, rank and seniority being determined with reference to date of first appointment in the particular office or department of the ex-Merged States. Public (Political) may please consider the above suggestion.

T.E.V.
31.7.53.

Thro' EI
EII.

Fin.U.O.
54069/EIII-1
31.7.53.

Pub.(Poll.)

Public (Poll.-A) Department.

The notes from p.1 ante may be perused.

Para 5 of G.O.No.855, Pub.(Poll.), dated 26.3.1949 lays down the principle to be followed in regard to the fixation of pay of permanent employees on absorption into the Madras State service. Sub Para (c) of that para gives the scale of advance increments to be granted in fixing the pay. Sub para (e) of that para further lays down as follows:-

"(e) An officer not eligible for any advance increments under sub para (c) shall be allowed to count service in the scale of pay in force in the State which has not already been counted for increments, for increments in the revised time scales upto a ~~minimum~~ maximum of one year."

In practice this rule will give rise to an anomaly of a junior drawing more pay than a senior as illustrated at 'A' on p.2 and 'B' on p.3 ante. In order to avoid such an anomaly, this Department suggested that the words "which has not already been counted for increments" occurring in that rule (para 5(e) may be deleted as the anomaly in question arises only on account of this provision in the rule. Finance, however, say that the expression "which has not already been counted for increments" occurring in that rule is designed to prevent accrual of ~~forth~~ fortuitous benefit (by counting the same service twice for increments) and hence there is no justification to delete the words as now proposed by this Department. They consider that it would be sufficient if the instructions in Memo.No.26535-A1-1, Finance, dated ~~25.9.1948 which~~ 8.5.1947 and Memo.No.81162/E-III-1, Finance, dated 25.9.1948 which are intended to rectify the anomalies in question are made applicable to cases of fixation of pay with reference to G.O. No.855, Pub.(Poll.), dated 26.3.1949 also.

In the circumstances stated by Finance, their suggestion may be accepted, and orders issued on the lines of the memoranda at p.3 of (R) and at (E) subject to the modification that the instructions in (E) are made applicable to all cases, where a junior officer happens to draw more pay than his senior i.e., even to cases where an officer with more than one year service, say, with service between 2 to 3 years draws his increment earlier in the new scale than his senior with service between 3 to 4 years.

A draft memo. is submitted for approval. Pub.(Ser.) and Finance may see before issue.

Pub.(Poll-A)
1945/53-2
28.8.53

R.B.
28.8.

Pub.(Ser.)U.O
3669/53-1
1.9.53.

Public (Ser.) / Fin.

Finance may see in the first instance.

A.G.A.
1.9.53.

/True Copy/

Supe[illegible]t.

vkp.26/9.

26.9.53